

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, NOVEMBER 2, 2009**

**I. CALL TO ORDER**

Supervisor Fletcher called the meeting to order at 7:00 p.m.

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Supervisor Ken Fletcher, Clerk Janice Vedder, Treasurer Howard Pizzo, Trustees Barb Poma, Jeff Hicks, Jan Cunningham, and Cara Spagnuolo.

Members Absent:

Others Present: Manager Richard Watkins and Lt. Jeff Warder.

**IV. PRESENTATIONS AND PROCLAMATIONS - None**

**V. SET/ADJUST AGENDA**

TREASURER PIZZO MOVED THAT THE AGENDA BE APPROVED AS PRESENTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

**VI. PUBLIC HEARINGS**

1. Harriet Street Lighting District Proposed Special Assessment Roll

a. Public Hearing

There was no public comment.

CLERK VEDDER MOVED THAT THE PUBLIC HEARING BE CLOSED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

b. Township Resolution

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD HEREBY ACCEPT THE SPECIAL ASSESSMENT ROLL PREPARED BY THE SUPERVISOR FOR THE PROPOSED STREET LIGHTING DISTRICT KNOWN AS HARRIET STREET AND LEGALLY DESCRIBED AS FOLLOWS:

HARRIET STREET BETWEEN SAGINAW HIGHWAY AND MICHIGAN AVENUE AND DECLARE THAT THE SPECIAL ASSESSMENT ROLL IS FAIR AND EQUITABLE; AND

FURTHER, THE CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE SPECIAL ASSESSMENT ROLL WITH THE DATE OF CONFIRMATION; AND

FURTHER, THE CLERK IS DIRECTED TO ADVISE THE LANSING BOARD OF WATER AND LIGHT TO INSTALL THE PROPOSED STREET LIGHTING; AND

FURTHER, THE CLERK IS HEREBY DIRECTED TO NOTIFY ANY PROPERTY OWNERS WHO APPEALED AT THE PUBLIC HEARING ON THE PROPOSED ASSESSMENTS THAT THE SPECIAL ASSESSMENT APPEALS MUST BE FILED WITH THE MICHIGAN TAX TRIBUNAL WITHIN 30 DAYS OF THE SPECIAL ASSESSMENT HEARING.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

**VII. COMMUNICATIONS – None**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA - None**

**IX. INTRODUCTION OF ORDINANCES – None**

**X. PASSAGE OF ORDINANCES – None**

**XI. CONSENT AGENDA**

TRUSTEE POMA MOVED THAT THE CONSENT AGENDA BE APPROVED AS PRESENTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

ROLL CALL:

AYES: SUPERVISOR FLETCHER, TRUSTEE HICKS, TREASURER  
PIZZO, TRUSTEE POMA, TRUSTEE SPAGNUOLO, CLERK  
VEDDER, AND TRUSTEE CUNNINGHAM.

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

2. **Minutes** – October 19, 2009 Regular Meeting and October 26, 2009 Special Meeting.

TRUSTEE POMA MOVED THAT THE MINUTES OF THE OCTOBER 19, 2009 REGULAR MEETING AND THE OCTOBER 26, 2009 SPECIAL MEETING BE APPROVED AS CORRECTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

3. **Bills and Financial Transactions - \$787,113.58**

TRUSTEE POMA MOVED THAT THE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$787,113.58 BE APPROVED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

**XII. ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION – None**

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA**

4.

5.

**XIV. ITEMS OF BUSINESS**

6. **Set Public Hearing for Proposed 2010 Budget** – The Township Manager recommends the Township Board set a public hearing to consider the proposed 2010 Budget for the Charter Township of Delta.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA SET A PUBLIC HEARING ON THE FY

2010 BUDGET AND PROPERTY TAX MILLAGE RATES PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET FOR MONDAY, NOVEMBER 16, 2009, IN PUBLIC MEETING ROOM A OF THE ADMINISTRATION BUILDING, AT 7:00 P.M. AND FURTHER, THAT THE TOWNSHIP CLERK BE DIRECTED TO ADVERTISE SUCH NOTICE OF PUBLIC HEARING.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

## **XV. ITEMS FOR DISCUSSION ONLY**

### **7. Biewer Lumber Request**

Andy Hehl, representing Biewer Lumber, said he wanted to explain to the Board the problems Biewer Lumber had been experiencing this year with their wood treatment process. He noted that the lumber company had not had problems until the spring when they had changed chemicals used in the wood treatment process to a more environmentally friendly chemical. After researching the problem, it was found that the Township's treated water had higher pH levels which conflicted with the wood treating process. Mr. Hehl noted that they immediately pursued the idea of installing a private well for the makeup water portion of their wood treatment process. However, he noted that after they became aware of the Township's Ordinance prohibiting the drilling of new wells for industrial purposes, they had requested an exemption from the regulations which had been denied by the Utility Committee. Mr. Hehl noted that they had become aware of the fact that one of their competitors located on Snow Road had installed a well for reasons of cost. However, he noted that the cost of water was not an issue in their case, but rather the Township's water was incompatible with their chemical processing. Mr. Hehl indicated that they were currently purchasing a chemical solution that reduced the pH in the Township's treated water, but it resulted in a 20% to 25% increase in their costs which didn't compute when they were working with gross profit margins of 5% to 6%.

Treasurer Pizzo inquired as to whether the Board of Water & Light's pH levels fluctuated in their treated water.

Mr. Hehl noted that the Board's water fluctuated to a small degree, especially in the summer months during high usage.

Mr. McGuire noted that the pH level results he had received from the Board of Water & Light for the last year were relatively consistent, but one issue that had not been taken into consideration was the fact that water usage increased during the summer months which resulted in the Board of Water & Light

having to draw water from different areas of the aquifer which affected the pH levels.

Treasurer Pizzo noted that the Board of Water & Light had indicated that there needed to be sufficient protection against ground water contamination.

Mr. Hehl noted that they had selected an area adjacent to their building to drill a well which was the highest point on their site. He also noted that back flow prevention would be installed in order to eliminate the possibility of water contamination.

Mr. McGuire noted that they would also make sure there was an air gap between the well piping in order to prevent back flow problems.

Mr. Hehl indicated that they had four meters on the property to decipher the difference between sewer and water usage to insure that the well was only used for their wood treatment process.

Trustee Hicks inquired as to whether the applicant would still have to treat the well water due to the variation in the consistency and quality of ground water from that of the treated water coming from the Board of Water & Light.

Mr. Hehl noted that they may have to treat the well water for hardness. However, he noted that the Snow Road facility and their two facilities located in Illinois and Wisconsin did not have to treat their well water for hardness.

Trustee Poma inquired about the size of well that would be needed.

Mr. Hehl noted that they were considering a 6.9 inch well that would have the capacity of drawing 100 gallons of water per minute which was more than they needed, but they wanted to have the potential for growth. Mr. Hehl said in considering the DEQ levels of permitting and the concerns surrounding the aquifer, they looked into the water usage they would need at the present time which was 65 gallons per minute. If additional water was needed in the future, they could mix the water from the Board of Water & Light with the well water to meet the demand which would still keep the pH levels low enough where it would be an acceptable range to maintain stability in the chemistry.

Doug Trimmer, Attorney representing Biewer Lumber, indicated that any time a Township Board considered granting an exception to their regulations, there was always a concern with whether a precedence would be set. Mr. Trimmer did not feel that was the case with his clients request due to the fact that the well water would not be used for any other purpose other than make up water for the treatment process. He indicated that a closed system would be installed so that there wouldn't be any discharge of the water at any time. Mr.

Trimmer noted that there had been discussion about the potential for cost, but he indicated that they were not saving money on the usage of the water, but rather their problem was with the cost of chemically treating the water which was much greater than the cost of the water. Mr. Trimmer noted that the additional cost was a hardship for his client in order to stay competitive.

Supervisor Fletcher felt one of the issues the Board needed to consider this evening was the course of action to take on this matter.

Mr. Watkins noted that it was the Township Attorney's opinion that the Board could make a determination as to whether special circumstances existed, but the Attorney recommended that the Township amend the ordinance in order to provide criteria when considering extenuating or extraordinary circumstances.

Trustee Hicks said the Township had several different examples in the ordinance where the Township had a review process in place, but the Township didn't have past history to refer to on this type of issue due to the fact that the ordinance took effect in 2005. Mr. Hicks felt the Township needed to delineate a process whereby practical difficulties were defined in order to help the Township establish when special circumstances applied.

Mr. Watkins said there was a lot of reasoning that went into the Township adopting an ordinance that regulated private wells in the Township, but now the Board was considering a different issue whereby it was not the cost of water, but the cost of chemically treating the water.

Trustee Cunningham questioned how many employees Biewer Lumber employed.

Mr. Hehl said they employed 15 to 50 employees depending on the time of year.

Mr. Fletcher asked what the long term situation would be for Biewer Lumber.

Mr. Hehl noted that they were no longer permitted to use the old treatment process and that they would be faced with having to treat the wood with a chemical that would make them non-competitive with larger competitors.

Mr. McGuire indicated that the chemical they were now using to treat wood was more environmentally friendly, but they had found that the chemical was not as effective at a higher pH level which necessitated them having to use other chemical agents at a higher cost.

Mr. Hicks questioned at what point Biewer Lumber became aware of the fact that the treated water coming from the Board of Water & Light was not compatible with their treatment process.

Mr. Hehl noted that they started using the new chemical at the end of April, but within 10 days, they had noticed a breakdown in the treatment process and the need to change solutions. Mr. Hehl proceeded to review the type of chemicals used in the treatment process and the problems they had incurred.

Mr. McGuire said they went through the months of May and June trying to figure out what the problem was and in July, they had Culligan test the water which was when they discovered the pH levels in the Township's water were high.

Supervisor Fletcher inquired about Biewer Lumber's time frame in conjunction with the Township considering criteria to address this issue.

Mr. Hehl indicated that they started the bid process for next year's business in August. He noted that they would be at a disadvantage due to the fact that they would be selling merchandise at a lower cost, but paying a higher price.

Clerk Vedder noted that she was concerned with the future use of the well when Biewer Lumber no longer occupied the property.

Trustee Spagnuolo indicated that that was one of the concerns the Utility Committee had as well.

Trustees discussed the possibility of authorizing a private well solely for Biewer Lumber's operation and that the approval would terminate upon Biewer ceasing their wood treatment process on the premises.

Mr. Watkins felt this was an issue that should be reviewed by the Township Attorney. He noted that his biggest concern was the aquifer and the Township's recourse if the well was abandoned.

Trustee Poma questioned whether the Township had had a situation where a well had been abandoned and the steps taken by the Township.

Mr. Watkins noted that the Township had never had a situation where a well had been abandoned within the industrial tract, but rather single family home owners were required to cap their private wells once they connected to the Township's water system.

It was the general consensus of the Board to send this item back to the Utility Committee to consider amendments to the ordinance.

## **8. Hunter Property Purchase**

Supervisor Fletcher noted that the Township had been in discussions with Tom Hunter on behalf of the Howard Hunter Trust to purchase 30.7 acres of the Hunter property for the purpose of a land swap of park land at Lootens Park.

Trustee Poma was concerned with the fact that the term “land swap” had continually be used as a possibility regarding this issue. Ms. Poma indicated that she supported the purchase of the Hunter property as long as the Township was maintaining the park.

Supervisor Fletcher noted that the Lootens Park property located on the south side of Willow Highway, between Nixon and Broadbent Road, could be considered for the future expansion of the wastewater treatment plant. He noted that the Lootens Park property was purchased with grants and if the Township chose to use the property for the expansion of the wastewater treatment plant, the park land would have to be replaced. Mr. Fletcher felt Lootens Park was a very desirable location for a park and that the question before the Board was whether to purchase the Hunter property with the intention of losing the Lootens park land.

Trustee Poma indicated that she wanted assurances that the Hunter property would in fact be used as a park.

Trustee Hicks indicated that the Utility Committee wanted input from the Board if in fact the Hunter property was property the Township would like to acquire even if there was no land swap or expansion of the wastewater treatment plant.

Trustee Cunningham felt the Board should consider acquiring the property and not tie the purchase to any conditions.

Trustee Hicks noted that Mr. Watkins had indicated that the Hunter property was a desirable piece of property because it was contiguous to an existing Township park.

Clerk Vedder felt the concern would be if the property wasn't used for the expansion of the wastewater treatment plant that the funding source would have to come out of the general fund. Ms. Vedder felt the Hunter property had a lot of historical significance that she would like to see preserved if possible.

Mr. Watkins felt the Hunter property was a desirable piece of property due to its close proximity to the Township's park land and wastewater treatment plant facility. He felt the Township should purchase the property without conditions.



It was the general consensus of the board to go forward with the purchase of the property.

**9. Portable Storage Units and Dumpsters**

This item would be placed on a future agenda.

**10. Truck Parking in Residential Neighborhoods**

This item would be placed on a future agenda.

**11. ZBA Meeting Schedule Discussion**

Mr. Watkins indicated that Planning Director Mark Graham had recommended that the Board consider reducing the Township's Zoning Board of Appeals meeting schedule from twice a month to once a month.

Clerk Vedder said she agreed that the Zoning Board of Appeals meeting schedule should be reduced to once a month due to the lack of agenda items and the cancellation of meetings.

Mr. Hicks noted that the way the statute was currently written, the Zoning Board of Appeals needed to know when a member would be absent far in advance of the meeting before an alternate could be activated. He noted that if a member was ill, an alternate could not be used because it didn't meet the statutory requirements. However, he noted that an alternative could be used if a member knew they would be out of the state for an extended amount of time.

It was the consensus of the board to forward this matter to the Zoning Board of Appeals to consider reducing their meeting schedule from twice a month to once a month.

**XVI. BOARD MEMBER, MANAGER, AND DEPARTMENT REPORTS AND COMMITTEE MINUTES**

**12. Manager's Report**

Mr. Watkins noted that the Auto-Owners development on Creyts Road, south of I-496 was approved at a MEGA meeting last week. He noted that the Greater Lansing Area would be holding a function on November 10<sup>th</sup> at the Wharton Center with Michael Langley as the guest speaker. This was LEAPS regional plan for the region. Everyone was invited to attend. Mr. Watkins indicated that the Verndale Condominium drain issue had been resolved which was found to be a surface drainage problem rather than a storm drainage problem. He noted that the mini grant from the County for the fence at Leeland Park had been completed

and that there were seven new volunteer firefighters that had joined the Township's fire department. The Township's Utility Committee had been in discussions with Oneida Township regarding the extension of sanitary sewer west along Saginaw Highway in order to serve properties within Oneida Township. This issue would be on the Board's next agenda for discussion. Also on the next Board agenda for discussion would be the agreement with the Eaton County Road Commission for the extension of Michigan Avenue.

The Public Safety Committee meeting will be held on November 9<sup>th</sup> at 6:15 p.m.

**13. Transportation Committee Minutes 10/15/09 meeting.**

Treasurer Pizzo noted that the Transportation Committee had addressed road diets in which the number of traffic lanes was reduced from four to three with bike lanes provided on both sides of the road. He noted that this had been pursued on the east side of Waverly Road within Lansing Township and that he supported Mr. Watkins recommendation that the Township study the Michigan Avenue and Willow Highway corridors for possible conversions on the west side of Waverly Road.

Ms. Poma noted that there had been on-going discussions on road diets and that this issue would be on the Transportation Committee's November 19<sup>th</sup> agenda.

Treasurer Pizzo noted that he had attended a transportation summit last Friday held by MDOT where he had the opportunity to ask MDOT representatives about the Broadbent/Saginaw Highway intersection. Mr. Pizzo noted that he was not very encouraged that anything would be done to this stretch of Saginaw Highway until the M-43/I-96 interchange was completed. However, he noted that MDOT representatives had indicated that the Broadbent/Saginaw Highway intersection would be a high priority as they would be looking at westbound traffic movements from Canal in order to determine whether the elimination of the clover leaf at the interchange warranted a traffic signal at the Broadbent/Saginaw Highway intersection. He noted that MDOT also addressed funding shortages going forward and the significant challenges the State and Eaton County would be faced with in the future.

**14. Utility Committee Minutes 10/20/09 meeting.**

**XVII. PUBLIC COMMENTS** *(maximum five minutes) –*

Mark Mudry, 1013 Meadowview Lane, said he was in attendance this evening to speak on truck parking in residential neighborhoods. However, he noted that since this item had been tabled, he would defer his comments until it was placed back on the Board's agenda.

**XVII. ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 8:20 p.m.

**CHARTER TOWNSHIP OF DELTA**

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR